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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 ERIC GOLDEN,

14 Defendant.

Case No. 2:20-cr-00186-JCM-VCF-2

**STIPULATION TO MODIFY THE
JUDGMENT TO COMPLY WITH
U.S.S.G. § 5C1.1(D)**

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Robert Knief, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and
19 Rebecca A. Levy, Assistant Federal Public Defender, counsel for Eric Golden, that the
20 Judgment be modified to comply with U.S.S.G. § 5C1.1(D). That guideline provides that the
21 Judgment of Conviction provide that Mr. Golden be sentenced to “six months and one day
22 incarceration with six months home confinement as a special condition of supervised release.”
23 Counsel for Mr. Golden advised this Court and the government that the Judgment should state
24 “twelve months and one day in custody with six months and one day in custody and six months
25 on home confinement.” After the Judgment of Conviction was provided to the BOP, counsel
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1 was informed that for the BOP to comply with the intent of the parties and this Court, the
2 Judgment would need to be modified.

3 The Stipulation is entered into for the following reasons:

4 1. Mr. Golden entered into a plea agreement resulting in an offense level 13.
5 Mr. Golden's criminal history category is I, resulting in a guideline range of 12-18 months in
6 custody.

7 2. The government did not and does not object to a sentence that complies with
8 U.S.S.G. § 5C1.1(d). This is a "split" sentence which allows half of Mr. Golden's sentence to
9 be served in custody and half on home detention.

10 3. This Court agreed with the "split" sentence, but defense counsel erroneously
11 suggested the Judgment of Conviction language state "twelve months and one day in custody
12 with six months to be served on home confinement."

13 4. Defense counsel reached out to the BOP after the Judgment of Conviction was
14 filed. The attorney for the BOP informed defense counsel that to comply with U.S.S.G.
15 § 5C1.1(d), the Judgment of Conviction should state "six months and one day in custody with
16 six months home confinement as a special condition of supervised release."

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1 5. Modification of the Judgment is appropriate in and in compliance with Under
2 Fed. R. Crim. P. 36, this Court “may at any time correct a clerical error in a judgment, order, or
3 other part of the record, or correct an error in the record arising from oversight or omission.”
4 The parties respectfully submit that correcting the Judgment pursuant to Rule 36 is the
5 appropriate remedy here.

6 DATED August 16, 2023.

7 RENE L. VALLADARES
8 Federal Public Defender

 JASON M. FRIERSON
 United States Attorney

9 */s/ Rebecca A. Levy*
10 By _____
11 REBECCA A. LEVY
12 Assistant Federal Public Defender
13 Counsel for Eric Golden

/s/ Robert Knief
 By _____
 ROBERT KNIEF
 Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

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Case No. 2:20-cr-00186-JCM-VCF

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. The parties entered into a plea agreement and Mr. Golden was sentenced in accordance with both the plea agreement and U.S.S.G. § 5C1.1(d).

2. As part of a guideline sentence, Mr. Golden is to be sentenced in accordance with U.S.S.G. § 5C1.1(d).

3. The Judgment of Conviction shall state “Mr. Golden is sentenced to six months and one day in custody and six months home confinement as a condition of supervised release.”

4. Modification of the Judgment is appropriate in and in compliance with Under Fed. R. Crim. P. 36, this Court “may at any time correct a clerical error in a judgment, order, or other part of the record, or correct an error in the record arising from oversight or omission.”

CONCLUSIONS OF LAW

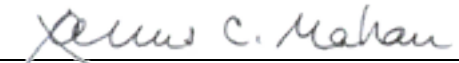
The ends of justice are served by granting said request to modify the Judgment of Conviction. The Judgment will now state that “Mr. Golden is sentenced to six months and one day in custody and six months home confinement as a condition of supervised release.”

This modification complies with U.S.S.G. § 5C1.1(D) and Fed. R. Crim. P. 36.

ORDER

IT IS THEREFORE ORDERED that the Judgment of Conviction will now state that Mr. Golden's sentence is as follows: "Mr. Golden is sentenced to six months and one day in custody and six months home confinement as a condition of supervised release."

DATED August 18, 2023.


UNITED STATES DISTRICT JUDGE